

PATENT COOPERATION TREATY

PCT

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

(Rationalised Report according to the Notice of the President of the EPO published in the OJ11/2001)

Applicant's or agent's file reference 101517 a/ds	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP03/14541	International filing date (day/month/year) 18/12/2003	Priority date (day/month/year) 09/01/2003
International Patent Classification (IPC) or national classification and IPC D06N3/14		
Applicant VIKTOR ACHTER GMBH & CO. KG et al.		



1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This **REPORT** consists of a total of 5 sheets, including this cover sheet.
- ☒ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consists of a total of 1 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

**CORRECTED
VERSION**

Date of submission of the demand 21/07/2004	Date of completion of this report 12.04.05
Name and mailing address of the IPEA/  European Patent Office D-80298 Munich Tel. (+49-89) 2399-0, Tx: 523656 epmu d Fax: (+49-89) 2399-4465	Authorized officer Laura Fernandez-Gomez Tel - +49-89-23997449 

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/EP 03/14541**

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-26 as originally filed

Claims, Numbers

1-14 as originally filed
15, 16 received on 17.12.2004 with letter of 16.12.2004

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

**INTERNATIONAL PRELIMINARY
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International application No. **PCT/EP 03/14541**

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

1. Statement

Novelty (N)	Yes: Claims	1-16
	No: Claims	
Inventive step (IS)	Yes: Claims	1-16
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-16
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item V

Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. The following document from the International Search Report are mentioned for the first time in this Report; the numbering will be adhered to in the rest of the procedure:

D1: WO 02/00425 A (MILLIKEN & CO) 3 January 2002 (2002-01-03)
D2: EP-A-904950 (KURARAY CO. LTD.) 31 March 1999 (1999-03-31)

D2 has already been cited by the applicant in the application.

2. Novelty

- 2.1 D1 discloses a process for preparing a synthetic suede leather. Firstly, a foamed latex of polyurethane is produced, then it is applied to a napped knitted textile fabric and afterwards the foam is coagulated and dried (see claims 1, 3-5 and page 8, last paragraph). The word "fabric" implies that it is composed of yarns. This latex composition can contain cross linking agents, which implies that curing will take place (which is the same as condensation) (see page 8, lines 21-23).
The process in present claim 1 differs from D1 in that, the textile substrate is printed. The subject-matter of claims 15 and 17 referring to a synthetic suede leather obtainable by the process of claim 1 and its use is also novel over D1 since the fabric substrate of D1 is not printed.
- 2.2 D2 describes a suede artificial leather being excellent in design effects and in abrasion resistance comprising a printed textile substrate coated with a transparent or translucent protective polyurethane layer and a method for making it (see claims 1, 7, 12 and 13; page 2, lines 5-7; page 8, paragraph 74 - page 9, line 17). The protective layer is not foamed.
- 2.3 Thus the subject-matter of present claims 1-16 is novel and these claims meet the requirements of Article 33(2) PCT.

3. Inventive step

The document D2 is regarded as being the closest prior art to the subject-matter of claims 1, 15 and 16.

The subject-matter of claims 1 and 15 differs from this known D2 in that the polyurethane layer over the printed textile substrate is foamed and is applied from an aqueous dispersion.

The problem to be solved by the present invention may be regarded as providing a process for preparing an alternative synthetic suede leather, which is excellent in design effects and is provided with good abrasion resistance and air-permeability.

The solution to this problem proposed in claims 1 and 15 of the present application is considered as involving an inventive step (Article 33(3) PCT) because it is not obvious from the prior art to provide a synthetic suede leather with a printed pattern underneath a foamed polyurethane layer without compromising the desired design effect.

Claims 2-14, which are dependent on claim 1, and claim 16, which refers to the use of the synthetic suede leather, also meet the requirements of the PCT with respect to inventive step.

International Application PCT/EP2003/014541 101 517 n2/kae
Viktor Achter GmbH & Co. KG December 16, 2004

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AMENDED CLAIMS

15. A synthetic suede leather obtainable according to the process of any of the preceding claims.
16. The use of the printed synthetic suede leather according to claim 15 as a cover in automotive, furniture or upholstery applications or as outer garments.